MERVENTION

0000104527

BEFORE THE ARIZONA CORPORATION COMMISSION

19

2509 NOV -3 A H: 07

COMMISSIONERS

BOB STUMP

KRISTIN K. MAYES, Chairman GARY PIERCE PAUL NEWMAN SANDRA D. KENNEDY ATOMPONIUM Booker Common

Arizona Corporation Commission
DOCKETED

NOV - 3 200A

DOCKETED BY

8

9

10

11

12

13

7

3

5

IN THE MATTER OF THE APPLICATION OF ARIZONA-AMERICAN WATER COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE CURRENT FAIR VALUE OF ITS UTILITY PLANT AND PROPERTY AND FOR INCREASES IN ITS RATES AND CHARGES BASED THEREON FOR UTILITY SERVICE BY ITS ANTHEM WATER DISTRICT AND ITS SUN CITY WATER DISTRICT.

DOCKET NO. W-01303A-09-0343

14

15

16

17

18

19

IN THE MATTER OF THE APPLICATION OF ARIZONA-AMERICAN WATER COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE CURRENT FAIR VALUE OF ITS UTILITY PLANT AND PROPERTY AND FOR INCREASES IN ITS RATES AND CHARGES BASED THEREON FOR UTILITY SERVICE BY ITS ANTHEM/AGUA FRIA WASTEWATER DISTRICT, ITS SUN CITY WASTEWATER DISTRICT AND ITS SUN CITY WEST WASTEWATER DISTRICT.

DOCKET NO. SW-01303A-09-0343

APPLICATION FOR LEAVE TO INTERVENE OF ANTHEM COMMUNITY COUNCIL

21

20

INTRODUCTION

I.

2223

24

25

26

Pursuant to A.A.C. R14-3-105, and the Seventeenth Ordering Paragraph of the September 24, 2009 Procedural Order issued in the above-captioned and above-docketed proceeding, Anthem Community Council, Inc. ("Anthem"), hereby submits its Application For Leave to Intervene ("Application") in the aforesaid proceeding. In support of its Application, Anthem submits the following information.

28

27

744324

II.

IDENTITY OF APPLICANT

Anthem is an Arizona non-profit corporation and a homeowners' association which has been established for the purpose of representing the residents of the Anthem Community with regard to various matters pertaining to their common interests. At present, Anthem represents more than thirty thousand (30,000) residents of the Anthem Community, who are provided water and wastewater services by Arizona-American Water Company ("A-AWC").

III.

THOSE WHOM APPLICANT REPRESENTS COULD BE SUBSTANTIALLY AND DIRECTLY AFFECTED BY A COMMISSION DECISION IN THE INSTANT PROCEEDING

On July 2, 2009 A-AWC filed an Application with the Commission requesting a permanent increase in rates and revenues for several of its operating districts, including the Anthem Water District and the Anthem/Agua Fria Wastewater District. For its Anthem Water District, A-AWC's Application requests an increase over current revenues of approximately \$7,268,177, or 100.4 percent; and, an increase of \$37.37 or 100.4 percent in the monthly rate for a 5/8 x ³/₄ - inch meter residential customer with average consumption. For its Anthem/Agua Fria Wastewater District, A-AWC's Application requests an annual revenue increase of approximately \$7,060,837 over current revenues, or 81 percent; and, an increase of \$39.26 or 81.8 percent for a residential customer with average usage of 5,814 gallons per month.

It is readily apparent that the requested increases in rates for water service and wastewater service in the Anthem Water District and the Anthem/Agua Fria Wastewater District are substantial in nature, and would have a direct impact upon A-AWC's water and wastewater consumers in the Anthem community in the event that the requested increases should be granted in whole or in part. As a consequence, Anthem itself also has a substantial and direct interest in any decision which might be issued by the Commission in

the instant proceeding; and, Anthem is uniquely situated to represent the Anthem 1 Community in a coordinated and cost-effective manner. In that regard, Anthem 2 3 participated in a similar capacity in the last rate increase proceedings involving A-AWC's Anthem Water District and Anthem/Agua Fria Wastewater District (Docket No. WS-01303A-06-0403 and Decision No. 70372). 5 IV. 6 APPLICANT'S INTERVENTION WOULD NOT DELAY THE 7 8 INSTANT PROCEEDING OR UNDULY BROADEN ISSUES 9 Anthem's intervention and participation in the instant proceeding will not delay the conduct of the same or unduly broaden the issues to be addressed therein. The issues 10 which Anthem currently intends to address have either already been raised by or are 11 encompassed within issues raised by the mere filing of A-AWC's Application. In addition, 12 Anthem may be in a position to provide testimony which the Commission would find to be 13 of assistance in connection with its consideration of and decision upon A-AWC's July 2, 14 2009 rate increase application. 15 V. 16 17 **CONCLUSION** Based upon the foregoing, Anthem believes that it has satisfied the requirements for 18 19 intervention set forth in A.A.C. R-14-3-105. Accordingly, it requests that an appropriate 20 order of the Commission be issued granting Anthem's Application, and according Anthem 21 all rights as an intervening party of record in the instant proceeding. Dated this 3rd of November, 2009. 22 Respectfully submitted, 23 Judith M. Dworkin 24 Sacks Tierney PA 25 4250 N. Drinkwater Blvd., Fourth Floor Scottsdale, Arizona 85251-3693 26 27 28

744324

1		and
2		Lawrence V. Robertson, Jr.
3		P. O. Box 1448
5		Tubac, Arizona 85646-1448
6		
7		By: Laurence V. Robert, &
8		Lawrence V. Robertson, Jr. Attorneys for Anthem Community Council
9		
10	The original and fifteen (15) copies of the	
11	foregoing Application will be filed	
12	this 3rd day of November, 2009, with:	
13	Docket Control	
14	Arizona Corporation Commission 1200 West Washington Street	
15	Phoenix, Arizona 85007	
16	A copy of the foregoing Application has	
17	been emailed or mailed this same date to:	
18	Thomas H. Campbell Michael T. Hallam	
19	Lewis and Roca, LLP	
20	40 North Central Avenue Phoenix, AZ 85004-4429	•
21	Daniel Pozefsky	
22	RUCO	
23	1110 W. Washington St., Suite 220 Phoenix, Arizona 85007	
24		
25	Janice M. Alward, Chief Counsel Legal Division	
26	Arizona Corporation Commission 1200 W Washington	
27	Phoenix, AZ 85007-2927	
28		

Steve Olea, Director Utilities Division Arizona Corporation Commission 1200 West Washington Street Phoenix, Arizona 85007

Wend Perlusan